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Patent  
Attorney's Docket No. 032304-108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION-IN-PART  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a continuation-in-part application under 37 C.F.R. § 1.53(b) of pending Application No. 10/402,893 filed on March 28, 2003, for THERAPEUTIC AGENT DELIVERY DEVICE WITH CONTROLLED THERAPEUTIC AGENT RELEASE RATES, by the following named inventor(s):

- |     |           |                           |
|-----|-----------|---------------------------|
| (a) | Full Name | <u>John F. Shanley</u>    |
| (b) | Full Name | <u>Theodore L. Parker</u> |
| (c) | Full Name | <u></u>                   |

☒ Applicant(s) suggests the inclusion of Figure    for inclusion on the front page of the patent application publication and/or patent.

☐ Applicant(s) requests that the published application include the following assignment information:   .

1. ☒ Enclosed is/are   4   sheet(s) of drawings.
2. ☐ Enclosed is a certified copy of the priority document.
3. ☐ Enclosed is an Assignment document.
4. ☒ An ☐ executed ☒ unexecuted declaration of the inventor(s)  
[X] also is enclosed ☐ will follow.
5. ☒ Small entity status is hereby claimed.
6. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

| C L A I M S  |                  |            |                 |                    |                    |
|--|------------------|------------|-----------------|--------------------|--------------------|
|  | NO. OF<br>CLAIMS |            | EXTRA<br>CLAIMS | RATE               | FEE                |
| Basic Application Fee  |                  |            |                 |                    | \$770.00<br>(1001) |
| Total Claims   | 45               | MINUS 20 = | 25              | × \$18.00 (1202) = | 450.00             |
| Independent Claims   | 4                | MINUS 3 =  | 0               | × \$86.00 (1201) = | 86.00              |
| If multiple dependent claims are presented, add \$290.00 (1203)                          |                  |            |                 |                    | 0                  |
| Total Application Fee  |                  |            |                 |                    | 1,306.00           |
| If small entity status is claimed, subtract 50% of Total Application Fee                 |                  |            |                 |                    | 653.00             |
| Add Assignment Recording Fee of <u>\$40.00 (8021)</u> if Assignment document is enclosed |                  |            |                 |                    | 0                  |
| <b>TOTAL APPLICATION FEE DUE</b>   |                  |            |                 |                    | <b>653.00</b>      |

7. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
8. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
9. ☒ A check in the amount of \$ 653.00 is enclosed for the fee due.
10. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
11. ☒ New drawings are enclosed.
12. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed
- ☐ was filed on \_ in prior Application No. \_\_, filed on \_\_, and acknowledged by the Examiner on \_ in Paper No. \_
- ☐ has not yet been filed.
13. ☐ A preliminary amendment is enclosed.
14. ☐ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

16. ☒ Also enclosed Return Postcard.
17. ☒ The power of attorney in the prior application is to James W. Peterson and all attorneys associated with Customer No. 21839.
- a. ☒ The power appears in the original papers in the prior application.
  - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c. ☐ Recognize as Associate Attorney   .
  - d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **2 1 8 3 9**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: February 11, 2004

By: \_\_\_\_\_

  
Jeffrey A. McKinney  
Registration No. 43,795

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
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- ☐ inventor(s)
- ☐ assignee of complete interest
- ☒ attorney or agent of record
- ☐ filed under 37 C.F.R. § 1.34(a)